

Application No.: 09/939,206
Filing Date: August 24, 2001
Response to Final Office Action dated December 30, 2010

REMARKS/ARGUMENTS

This Amendment is filed in response to the final Office Action dated December 30, 2010. In the Office Action, Claims 46, 49-51, 53, 54, 60, 63-66, 68-70, 72, 75-77, and 79-81 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.K. Patent Application GB 2331602A to Boucher et al. ("*Boucher*"). Claims 47, 52, 55-59, 61, 67, 71, 73, 78, 82, and 83 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Boucher* in view of U.S. Patent 5,661,653 to Kulik ("*Kulik*"). Claims 48, 62, and 74 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Boucher* in view of *Kulik* in further view of U.S. Patent 6,286,009 to Mattioli, Jr. et al. ("*Mattioli*"). For the Examiner's convenience, Applicants have amended Claims 46, 50, 52, 54, 60, 71, 72, 79, and 81.

Examiner Interview

An interview was held with the Examiner on February 11, 2011. Applicants' attorney appreciates the Examiner's time and input provided during the interview. The Examiner and Applicants' attorney discussed the current rejection of the independent claim based on *Boucher*.

Rejections under 35 U.S.C. § 102

Independent Claim 46

Although Applicants do not agree with the rejection of Claim 46 based on *Boucher*, in order to expedite prosecution of the application, Applicants have amended Claim 46 to further distinguish the cited reference. For instance, Applicants have amended Claim 46 to recite one or more computer processors configured to execute a rate sheet analyzer module to produce output by (a) selecting a specific template of the plurality of templates by matching the specific freight carrier associated with the rate sheet with the specific freight carrier associated with the specific template and (b) interpreting the rate sheet by applying the specific template to the rate sheet. In addition, Applicants have amended Claim 46 to recite the one or more computer processors are configured to execute a rule generation module, the rule generation module receiving the output

from the rate sheet analyzer and generating executable computer code based on the output, wherein when the computer code is executed, the computer code generates a freight charge associated with the freight carrier.

Boucher describes a carrier management system that includes a plurality of carrier rate modules wherein each carrier rate module includes instructions for calculating a carrier rate for a particular carrier and instructions for self-registering the module in the registry of the system. The system further includes a librarian that is executed by a shipping program to read the registry of the system and to build a linked list of the available carrier rate modules based on the registered modules found in the registry. *See* Page 5, lines 21-27. Therefore, when an individual using the shipping program selects a particular carrier to ship a package, the shipping program sends a token identifying the carrier to the librarian. *See* Page 20, lines 1-17. In response, the librarian uses the token and queries the linked list to identify the corresponding carrier rate module for the selected carrier. *Id.* The librarian then provides a pointer to a function that the shipping program may call to execute the carrier rate module for the selected carrier. *Id.* As a result, the shipping program module calls the function in order to calculate a carrier rate for shipping the package with the particular carrier.

On Page 5, in response to Applicants' argument that *Boucher* fails to teach or suggest a template that is used for interpreting a rate sheet for a carrier, the Office Action suggests that *Boucher* discloses item rating instructions, when executed, rate an item for delivery according to the appropriate business rules and carrier rate data. Thus, the Office Action alleges that *Boucher's* disclosure of the item rating instructions, in the context of *Boucher's* system, are understood as synonymous with carrier associated templates that interpret a rate sheet for a carrier.

However, Applicants respectfully point out that the plurality of templates recited in amended Claim 46 serve a different function than the item rating instructions for the plurality of carrier rate modules described in *Boucher*. As described in *Boucher*, the carrier rate modules include the item rating instructions for rating an item according to business rules and rate data for a carrier. *See* Page 13, lines 27-30. Thus, for a particular carrier rate module, the item rating

Application No.: 09/939,206

Filing Date: August 24, 2001

Response to Final Office Action dated December 30, 2010

instructions access the carrier rate data for a particular carrier and rate an item for shipping with the carrier. *See* Page 16, lines 3-9.

In contrast, amended Claim 46 recites a rate sheet analyzer module producing an output by selecting a specific template for a specific freight carrier and interpreting a rate sheet for the specific freight carrier by applying the specific template to the rate sheet. This output is received by a rule generation module and the rule generation module generates executable computer code based on the output, that when executed, generates a freight charge associated with the freight carrier. Thus, the plurality of templates recited in Claim 46 is used to produce output that is used to generate executable computer code. However, the item rating instructions described in *Boucher* fail to provide such functionality. Instead, the item rating instructions described in *Boucher* are used to access the carrier rate data for a particular carrier and to rate an item for shipping with the carrier. That is, the item rating instructions described in *Boucher* are executable computer code. Thus, the item rating instructions described in *Boucher* are not synonymous with carrier associated templates recited in Claim 46.

For at least these reasons, Applicants respectfully submit that *Boucher* fails to teach or suggest each and every feature recited in newly amended Claim 46. Accordingly, Applicants respectfully request the Examiner to withdraw the current rejection of Claim 46 under § 102(b).

Dependent Claims 47-59

Claims 47-59 depend from independent Claim 46 and therefore include all the features of Claim 46 plus additional features that further define Claims 47-59 over the cited references. Accordingly, for at least the reasons set forth above with regard to independent Claim 46 and the additional features that further define these claims over the cited references, Applicants respectfully submit that these claims are also in condition for allowance. Therefore, Applicants respectfully request the Examiner to withdraw the current rejections of these claims.

Application No.: 09/939,206
Filing Date: August 24, 2001
Response to Final Office Action dated December 30, 2010

Independent Claim 60

Although Applicants do not agree with the rejection of Claim 60 based on *Boucher*, in order to expedite prosecution of the application, Applicants have amended Claim 60 to further distinguish the cited reference. For instance, Applicants have amended Claim 60 to recite the steps of (1) retrieving a template from the template storage module to interpret the rate sheet, the template storage module storing a plurality of templates wherein each template is adapted to respectively interpret a particular rate sheet, (2) producing output, via the one or more computer devices executing the rate sheet analyzer to interpret the rate sheet by applying the template to the rate sheet, (3) generating executable computer code based on the output via the one or more computer devices executing a rule generation module, and (4) generating a freight charge, via the one or more computer devices by executing the computer code. In light of the argument presented above with respect to Claim 46, Applicants respectfully assert that *Boucher* fails to teach or suggest at least these features. Accordingly, Applicants respectfully request the Examiner to withdraw the current rejection of Claim 60 under § 102(b).

Dependent Claims 61-71

Claims 61-71 depend from independent Claim 60 and therefore include all the features of Claim 60 plus additional features that further define Claims 61-71 over the cited references. Accordingly, for at least the reasons set forth above with regard to independent Claim 60 and the additional features that further define the claims over the cited references, Applicants respectfully submit that these claims are also in condition for allowance. Therefore, Applicants respectfully request the Examiner to withdraw the current rejections of these claims.

Independent Claim 72

Although Applicants do not agree with the rejection of Claim 72 based on *Boucher*, in order to expedite prosecution of the application, Applicants have amended Claim 72 to further distinguish the cited reference. For instance, Claim 72 recites computer-readable program instructions adapted for selecting a specific template of a plurality of templates to interpret a

Application No.: 09/939,206

Filing Date: August 24, 2001

Response to Final Office Action dated December 30, 2010

specific rate sheet by matching a first freight carrier associated with the specific template of the plurality of templates with the specific freight carrier associated with the specific rate sheet, producing output by interpreting the specific rate sheet based on the specific template, and generating executable computer code based on the output, wherein when the computer code is executed, the computer code generates the freight charge associated with the freight carrier. In light of the argument presented above with respect to Claim 46, Applicants respectfully assert that *Boucher* fails to teach or suggest at least these features. Accordingly, Applicants respectfully request the Examiner to withdraw the current rejection of Claim 72 under § 102(b).

Dependent Claims 73-83

Claims 73-83 depend from independent Claim 72 and therefore include all the features of Claim 72 plus additional features that further define Claim 73-83 over the cited references. Accordingly, for at least the reasons set forth above with regard to independent Claim 72 and the additional features that further define the claims over the cited references, Applicants respectfully submit that these claims are also in condition for allowance. Therefore, Applicants respectfully request the Examiner to withdraw the current rejections of these claims.

Conclusion

The foregoing is submitted as a full and complete response to the final Office Action mailed December 30, 2010. The foregoing remarks and arguments are believed to have placed the present application in condition for allowance, and such action is respectfully requested. The Examiner is encouraged to contact Applicants' undersigned attorney at (404) 881-7640 or e-mail at chris.haggerty@alston.com to resolve any remaining issues in order to expedite examination of the present application.

The patentability of the independent claims has been argued as set forth above and thus Applicants will not take this opportunity to argue the merits of the rejection with regard to each dependent claim. However, Applicants do not concede that the dependent claims are not independently patentable and reserve the right to argue the patentability of the dependent claims

Application No.: 09/939,206
Filing Date: August 24, 2001
Response to Final Office Action dated December 30, 2010

at a later date if necessary.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/Christopher S. Haggerty/

Christopher S. Haggerty
Registration No. 58,100

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Atlanta Office (404) 881-7000
Fax Atlanta Office (404) 881-7777

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON March 30, 2011.